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May 30, 1996

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Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

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MAY 30 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**Re: Implementation of the Local Competition Provisions in
the Telecommunications Act of 1996 (CC Docket
No. 96-98)**

Dear Mr. Caton:

Enclosed for filing are the original and sixteen copies (plus two additional copies which have been annotated "Extra Public Copy") of the reply comments of the Telecommunications Carriers for Competition in the referenced proceeding. In addition, a diskette in WordPerfect 5.1 format has been submitted to Janice Myles, Common Carrier Bureau, and three additional copies have been submitted to Gloria Shambley of the Network Services Division.

Please return a date-stamped copy of the enclosed (copy provided).

Respectfully submitted,

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List ABCDE

Linda L. Oliver

Linda L. Oliver
Counsel for Telecommunications
Carriers for Competition

Enclosures

cc: Janice Myles, Common Carrier Bureau
ITS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 30 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

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Implementation of the Local
Competition Provisions in the
Telecommunications Act of 1996

)

CC Docket No. 96-98

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REPLY COMMENTS OF THE TELECOMMUNICATIONS
CARRIERS FOR COMPETITION

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Counsel for Telecommunications
Carriers for Competition

Dated: May 30, 1996

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Local)	CC Docket No. 96-98
Competition Provisions in the)	
Telecommunications Act of 1996)	

**REPLY COMMENTS OF THE TELECOMMUNICATIONS
CARRIERS FOR COMPETITION**

The Telecommunications Carriers for Competition ("TCC") 1/ hereby submits its reply comments in response to the Commission's Notice of Proposed Rulemaking ("Notice"). FCC 96-182, released in the above-captioned proceeding on April 19, 1996.

The TCC discussed in detail in its initial comments in this docket the critical importance of strong, uniform national rules to the success of both local exchange and full service competition. 2/ We catalogued the difficulties our members have had in obtaining interconnection, access to network elements, and resale. 3/ We pointed out the gross inequality in bargaining position between

1/ The Telecommunications Carriers for Competition is a coalition of some of the nation's leading telecommunications service providers. The TCC was organized to address critical issues affecting the development of local exchange competition in this country. Its members include AT&T; the Competitive Telecommunications Association ("CompTel") and its approximately 175 members; General Communication, Inc.; LCI International Telecom Corporation; LDDS WorldCom; and MCI Telecommunications Corporation.

2/ See TCC Initial Comments (May 16, 1996) at 1-13.

3/ TCC Initial Comments at 8-11 and Appendices A, B, and C.

incumbent LECs ("ILECs") and potential competitors. The ILECs need nothing from their competitors, while their competitors depend utterly on the ILECs just to break into the local market, let alone to provide local service to all consumers. Under these conditions, negotiations are unlikely to produce positive results. If the ILECs' competitors are forced to fight regulatory battles in fifty states, moreover, the delay in obtaining the necessary preconditions to competition will be substantial.

There is widespread agreement among the ILECs' competitors that for all these reasons, strong, detailed national rules are an essential first step on the road to a competitive marketplace. The ILECs predictably oppose clear national rules, arguing that most issues should be resolved through voluntary negotiation and if necessary, before state commissions -- with few standards to govern this process.

With the singular goal of establishing nationwide competition, the TCC has prepared a comprehensive set of proposed rules to implement Sections 251 and 252 of the Act. These rules are attached to this filing. The rules incorporate the recommendations TCC made in its opening comments filed on May 16, and in the interest of comprehensive treatment, also include issues that were addressed by TCC members individually in their second round comments, filed on May 20. 4/

4/ The attached rules borrow from several sources. The collocation rules (Section XX.205) borrow from the FCC's own rules on collocation. 47 C.F.R. §§ 64.1401, 64.1402 (1996). The sections on good faith negotiation (XX.200), notice of changes (XX.204), and negotiation, arbitration, and approval of agreements (XX.300-306) borrow from the rules proposed by the Association for Local Telecommunications Services in its May 16 opening comments. The TCC rules also draw heavily on the TCC's own comments, the comments of its members, and on rules that have been proposed or adopted by a number of state commissions.

We believe that these proposals should form the foundation for the FCC's final rules. This framework will help competition develop and thrive in the local exchange, and ensure that consumers everywhere will have a wide range of choices of full service providers.

We therefore urge the Commission to adopt the attached rules -- both because they embody the legal requirements of the Act, and because they contain the necessary ingredients for a vibrantly competitive telecommunications industry.

Respectfully submitted,



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Counsel for Telecommunications
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Dated: May 30, 1996

Telecommunications Carriers For Competition
CC Docket No. 96-98
May 30, 1996

**LOCAL COMPETITION RULES PROPOSED BY
THE TELECOMMUNICATIONS
CARRIERS FOR COMPETITION**

CC Docket No. 96-98

May 30, 1996

**Proposed Regulations to Implement
Section 251 and 252 Requirements
Of the Telecommunications Act of 1996**

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Subpart A – GENERAL

XX.1 Application of Rules Governing Carrier-to-Carrier Relationships

(a) This part establishes rules to implement Sections 251 and 252 of the Telecommunications Act of 1996.

(b) Except as provided in subpart XX.207 exempting certain rural carriers from these rules, this Part shall apply to all incumbent local exchange carriers and, where indicated, to other local exchange carriers. This Part shall supersede inconsistent laws or regulations promulgated under federal, state and/or local authority.

XX.2 Definitions

For the purposes of this part:

(a) "AIN" (Advanced Intelligent Network) provides a means for carriers to offer advanced features and services independent of switch vendor generic software. Specific points in the call model (i.e. triggers) are provisioned at the switching point, call processing is suspended and a SS7 TCAP query is launched to a database to collect information used in call processing.

(b) "Bill and keep" means the mutual exchange of terminating local traffic between or among local exchange carriers whereby each carrier bills its end users for calls originating on its network and keeps the revenue for those calls, and is not assessed a charge for calls which terminate on another local exchange carrier's network.

(c) "Collocation" is an interconnection arrangement that allows a requesting telecommunications carrier to interconnect its equipment with that of an ILEC at premises owned, leased, operated, or maintained by the ILEC.

(d) "Dialing parity" means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

(e) "End user" is defined in 47 C.F.R. § 69.2(m).

(f) "Exchange access" means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

(g) "Full 2-PIC" is a form of equal access that allows end users to select one telecommunications carrier for all interLATA 1+/0+ calls, and at the end user's option, to select another telecommunications carrier (including but not limited to the end user's local exchange carrier) for intraLATA 1+/0+ calls without dialing additional digits

(h) "Incumbent local exchange carrier" "Incumbent LEC" or "ILEC" is as defined in 47 U.S.C. § 251(h)(1), but also includes any carrier so defined by the FCC pursuant to 47 U.S.C. § 251(h)(2).

(i) "Interconnection" is the provision of physical, electrical, optical or logical connections of equipment or facilities of two or more telecommunications carriers, including the origination, provision, or termination of any telecommunications service.

(j) "Interconnection arrangement" means all agreements, contracts and tariffs covering interconnection, unbundled network elements, resale, or collocation, and includes arrangements for the origination, provision and termination of any telecommunications service. Interconnection arrangements shall include all such arrangements entered into prior to the effective date of the Act, and shall include arrangements between incumbent local exchange carriers.

(k) "InterLATA service" means telecommunications between a point located in a local access and transport area ("LATA") and a point located outside such area.

(l) "Local access and transport area" (LATA) means a contiguous geographic area—

(1) established before the date of enactment of the Telecommunications Act of 1996 by a Bell operating company such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or

"(2) established or modified by a Bell operating company after such date of enactment and approved by the Commission.

(m) "Local exchange carrier" (or "LEC") means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under 47 U.S.C. § 332(c) except to the extent that the Commission finds that such service should be included in the definition of such term.

(n) "Network Element" means a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

(o) "Rural telephone company" is as defined in 47 U.S.C. § 153(a)(47).

(p) "Technical feasibility" exists whenever it is possible to access and connect to the incumbent local exchange carrier network for the purposes of obtaining interconnection (including collocation) under 47 U.S.C. § 251(c)(2) or for using an unbundled network element under 47 U.S.C. § 251(c)(3). Technically feasible points of interconnection may, without limitation, be either physical, electrical, optical, and/or logical and extend to facilities, equipment, software and databases. Economic, administrative, operational, or logistical matters are not relevant in determining technical infeasibility.

(q) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(r) "Telecommunications carrier" is as defined in 47 U.S.C. § 153(a)(49).

(s) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(t) "Total Service Long Run Incremental Cost" (or "TSLRIC") is the entire forward-looking cost to a firm of providing a separate service or providing an individual network component using least cost technology, given that all other services or network elements are being produced. TSLRIC shall be calculated as provided in Section XX.209(e) of this Part

(u) "Unbundle" or "Unbundling" refers to an ILEC's duty to make network elements separately available to requesting carriers for the purpose of providing telecommunication services.

XX.3 Duty to Interconnect

Each telecommunications carrier has the duty—

- to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers; and
- not to install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to 47 U.S.C. § 255 or 47 U.S.C. § 256.

Subpart B – OBLIGATIONS OF ALL LOCAL EXCHANGE CARRIERS

XX.100 Dialing Parity

(a) Except as specified in subsection (c) below, all local exchange carriers shall provide dialing parity for all switched telecommunications services by enabling all end users to dial the same number of digits, regardless of the identity of the carrier chosen by the calling or called party

(b) Local exchange carriers that are not Bell Operating Companies shall be required to deploy full 2-PIC presubscription no later than January 1, 1997 for both interstate and intraLATA toll calls. Bell Operating Companies shall be required to deploy full 2-PIC presubscription for interstate, intraLATA toll calls by January 1, 1997. Implementation shall be considered complete when all end offices are equipped with equal access software capable of supporting full 2-PIC presubscription and customers are able to use such capability to implement carrier selection choices.

(c) In multiLATA states that have not issued dialing parity requirements, a Bell Operating Company may implement full 2-PIC dialing parity prior to the date on which it is granted authority to provide interLATA services or February 8, 1999, whichever is earlier, and shall implement it no later than those dates. In single-LATA states that have not issued dialing parity requirements, a Bell Operating Company must implement such full 2-PIC presubscription if ordered by the state but in no event later than the date the Bell Operating Company is granted authority to provide interLATA services or February 8, 1999, whichever is earlier. In states that have issued dialing parity requirements consistent with this Commission's rules by December 19, 1995, Bell Operating Companies are required to implement full 2-PIC presubscription in all end offices no later than 6 months from the date these rules take effect.

(d) Recovery of costs for implementation of dialing parity requirements shall be competitively neutral. Any cost recovery mechanism shall be applied to all services subject to dialing parity, including the services of incumbent local exchange carriers. Costs that may be recovered are limited to incremental costs directly associated with dialing parity. Recoverable costs do not include amounts intended to reimburse a local exchange carrier for revenues it expects to lose as a result of competition, or costs associated with network upgrades that are not necessary to implement dialing parity or which are undertaken for other or additional purposes.

(e) All local exchange carriers shall provide access to telephone numbers, operator services, directory assistance, and directory listing, on the same basis that it provides these numbers, services, and listings to itself, on a nondiscriminatory basis, and with no unreasonable dialing delays.

(1) Access to directory listings must be made available in an automated format.

(2) All local exchange carriers shall offer their end users the ability to connect to an operator by dialing "0," "0" plus the telephone number, or "00."

(3) Local exchange carriers shall not prevent interexchange carriers from offering to end users the ability to connect to an operator by dialing "0" "0" plus a telephone number, or "00".

(f) Subject to the implementation of a neutral numbering administrator as specified in 47 U.S.C. § 251(e) of the Act, a local exchange carrier responsible for the administration and assignment of telephone numbers shall provide access to such numbers in the same manner that it provides itself access to such numbers, and shall not discriminate in the provision of numbers to nonaffiliated carriers.

(g) Where an additional numbering plan area (NPA) code must be added to a geographic area, such addition will be accomplished through geographic partitioning of the relevant area and assigning a unique NPA to each region within that area. Assignment of NXX codes within each region shall be available on a nondiscriminatory basis to all carriers seeking to provide service to subscribers in that region.

XX.101 Access To Rights of Way

(a) Telecommunications carriers shall have access to all poles, ducts, conduits, rights of way and other pathways used or occupied by the incumbent utility's facilities. Poles, ducts, conduits, and rights-of-way shall include all pathways containing facilities owned or controlled by an incumbent LEC, including easements across land, entrance facilities, telephone closets or equipment rooms, cable vaults, controlled environment vaults, manholes, or any other remote terminal (to the extent those are not located in or immediately adjacent to central offices or other LEC structures covered by the collocation regulations under 47 U.S.C. § 251(c)(6)), risers, and any other pathway (or appurtenance thereto) owned or controlled by a local exchange carrier.

(b) All utilities are required to afford to telecommunications carriers access to poles, ducts, conduits, and rights-of-way of such local exchange carrier on just, reasonable, and nondiscriminatory rates, terms, and conditions that are consistent with Section 224.

(c) Access to poles, ducts, conduit, and rights of way shall be required whenever there is capacity currently available or that can be made available.

(1) If the utility has spare capacity available, it must make such capacity available to other telecommunications carriers upon request. For purposes of these rules, and Sections 224 and 251(b)(4) of the Act, "spare capacity" means any capacity in excess of what is currently needed by the utility efficiently to serve existing customers, and capacity reasonably forecasted for use within 6 months.

(2) If spare capacity is not immediately available, then the utility is required to make existing capacity available, or create additional capacity, provided, however, that a utility providing electric service may deny access to a requesting telecommunications carrier based on insufficient capacity or for reasons of safety or reliability. In any proceeding challenging the refusal of such utility to provide access, such utility shall be required to prove that any threat to safety is demonstrable, quantifiable and cannot reasonably be accommodated, or that it lacks spare capacity and cannot otherwise make capacity available.

(3) A utility may not evict a telecommunications carrier from its pole, conduit, right of way or other pathway on the ground that it requires additional capacity for its own use.

(d) Rates for access to poles, ducts, conduits and rights of way shall be nondiscriminatory, publicly disclosed and subject to imputation requirements. A utility may recover the costs of expansions of capacity undertaken to accommodate requests for access by other telecommunications carriers, by requiring the payment by such requesting carriers of a charge that is proportional to the percentage of newly available space reserved by each such carrier.

(e) A utility seeking to modify its poles, ducts, conduits, or rights of way shall notify other carriers using the facility or rights of way at least 180 days prior to the modification. A telecommunications carrier adding to or modifying its attachment or occupancy after receiving such notification may be required to pay no more than its proportionate share of the cost of making the pole, conduit or right of way accessible, and may not be required to pay any portion of the costs of the owner's modification. Costs of making the pole, conduit or right of way accessible shall be offset by any potential future revenue that owner may obtain from having expanded capacity that it can make available to others.

(f) Utilities shall provide to any requesting telecommunications carrier copies of cable plats, conduit prints and other documents showing the nature and location of their poles, cable and conduits, within 10 days of receipt of such request.

XX.102 Reciprocal Compensation

(a) Each local exchange carrier interconnecting with another local exchange carrier shall compensate the other according to one of the following methods, provided that the arrangement is consistent with the rates charged by the incumbent local exchange carrier for interconnection pursuant to Section 252(d)(1):

(1) Each carrier may charge the other for the transport and termination of calls originating on the other carrier's network at a rate no higher than the TSLRIC of the incumbent local exchange carrier's rate for transport and termination; or

(2) Each carrier may mutually recover costs by offsetting reciprocal obligations, including bill and keep, provided that the traffic volume exchanged is not persistently and substantially out of balance; or

(3) A requesting carrier may elect to be compensated on the basis of any prior interconnection agreement an incumbent local exchange carrier has negotiated with other carriers for reciprocal compensation.

(b) In interconnection arrangements involving an incumbent local exchange carrier and a non-incumbent, the election described in subsection (a) shall be at the non-incumbent carrier's option

(c) To the extent an interconnection arrangement includes a rate for the transport and termination of traffic, the rate may be established as a flat, per-minute rate if that is consistent with the incumbent local exchange carrier's pricing of interconnection under Section 252(d)(1)

Subpart C – OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS

XX.200 Good Faith Negotiations

(a) Each incumbent local exchange carrier has the affirmative duty to negotiate in good faith with any telecommunications carrier that has submitted, in writing a request for any or all of the following: interconnection; access to unbundled elements; access to rights of way, conduits, ducts, poles or equivalent facilities controlled by the local exchange carrier; collocation; resale of the incumbent's services; number portability; dialing parity; and reciprocal compensation. Good faith negotiation requires the parties to meet and confer at reasonable times and places with an honest, purposeful effort, free from any delaying tactics, to come to an agreement on the request received. Good faith requires compliance with the rules set forth in this Part.

(b) The duty to negotiate in good faith arises immediately upon receipt of any request made in compliance with the Act and these rules.

(c) An incumbent local exchange carrier is not negotiating in good faith if it takes any of the following actions, without limitation:

(1) the incumbent local exchange carrier asks for, or in any way seeks, a general agreement from the requesting telecommunications carrier not to disclose the contents of any negotiations to any other carrier or to any governmental authority;

- (2) the incumbent local exchange carrier refuses to negotiate based on the assertion that the requesting carrier has not yet obtained certification from a state commission;
- (3) the incumbent local exchange carrier refuses to be subject to reasonable commercial enforcement mechanisms in the agreement, including, but not limited to: arbitration, specified damages; penalties for failure to perform; or agreed-upon performance standards.
- (4) the incumbent local exchange carrier refuses to negotiate any specific term or condition proposed by any requesting telecommunications carrier;
- (5) the incumbent local exchange carrier refuses to respond to any reasonable request for technical information necessary for the requested interconnection within 7 days of receipt of the request;
- (6) The incumbent local exchange carrier requires an admission by the requesting carrier that the requesting carrier believes that the negotiated agreement complies with any provisions of the Telecommunications Act of 1996, federal regulations, or any requirement of state law;
- (7) the incumbent local exchange carrier fails to provide relevant information necessary to allow parties to engage in meaningful negotiations or arbitration (e.g., other interconnection agreements; cost and demand information relevant to pricing of interconnection, network elements, collocations, or wholesale service);
- (8) the incumbent local exchange carrier refuses to cooperate with the state commission in carrying out its function as a mediator or arbitrator;
- (9) the incumbent local exchange carrier fails to confer authority on negotiators to bind the carrier to an agreement; or
- (10) the incumbent local exchange carrier refuses to conduct or delays in conducting, operational readiness testing.

(11) the incumbent local exchange carrier requires a circuit order from the requesting carrier to begin negotiations;

(12) the incumbent local exchange carrier requires a proceeding to rebalance its rates prior to beginning negotiations.

(d) Incumbent local exchange carriers shall conduct cost studies, to be filed within 90 days of the date of a request for unbundled network elements or interconnection and in any event no later than 90 days after the effective date of these rules, to develop the TSLRIC of unbundled network elements and interconnection, pursuant to the requirements of Section XX.209. These cost studies shall be filed with the FCC and with the state commission. The FCC and the state commission shall provide public notice of the filing of the studies and the state commission (and the FCC, as appropriate) shall provide for public comment thereon.

XX.201 Interconnection

(a) Incumbent local exchange carriers shall permit requesting carriers to interconnect with their network at any technically feasible point for the purpose of originating, providing or terminating any telecommunications service. Such interconnection shall provide the same level of quality, service, facilities, and technical standards as the incumbent local exchange carrier provides to itself, its affiliates, subsidiaries, or other interconnecting carriers.

(1) A request for interconnection shall be conclusively deemed to be technically feasible if the incumbent local exchange carrier has provided such a point of interconnection for itself or a third party for the purpose of providing any telecommunications service, unless the incumbent local exchange carrier demonstrates that such request is technically infeasible by clear and convincing evidence.

(2) A request for interconnection shall be considered technically feasible if another local exchange carrier using similar technology has interconnected with itself or another carrier at such point.

(3) Any point on the incumbent local exchange carrier's network is presumed to be technically feasible. A point of interconnection may, without limitation, be physical, electrical, optical and/or logical, and extends to facilities, equipment, software and databases.

(4) In the event an incumbent local exchange carrier wishes to assert that a requested interconnection is technically infeasible, it must support its claim with clear and convincing evidence within 30 days, and in all events bears the burden of proof of demonstrating technical infeasibility under the appropriate evidentiary standard.

(b) All incumbent local exchange carriers must, upon request, provide requesting carriers the opportunity to interconnect at any one or more of the points listed below. Incumbent local exchange carrier may not, however, require requesting carriers to connect at any particular point in the incumbent's network.

(1) the trunk side of the local switch, permitting the option of one- or two-way traffic, and allowing for the consolidation of all traffic types including, but not limited to, local or toll, inter-office mileage and wireless carrier arrangements (including access to any switching centers, end offices, local tandems, access tandems, E911 routing centers), and operator services;

(2) the loop side of the switch, including, for example:

(i) the copper link, as beginning at the Main Distribution Frame (MDF) in the Central Office and extending through the copper feeder cable to the copper distribution cable to the Network Interface at the subscriber premise;

(ii) the link, as beginning at the port side of the switch extending out through an integrated Digital Loop Carrier (DLC) system to the remote DLC terminal, and extending on the copper distribution link to the Network Interface at the subscriber premise;

(iii) the link, as beginning at the MDF, cross connecting to a standard (non-integrated) Central Office DLC terminal, on out through the DLC to the remote DLC terminal, and on the copper distribution link to the Network Interface at the subscriber premise;

(iv) the link, as beginning at a cross connect frame or interface device at a location in the field, including a remote DLC or remote switch terminal, and continuing out through the copper distribution cable to the Network Interface at the subscriber premise;

(3) tandem facilities;

(4) mid-span meets; or

(5) all other technically feasible points to interconnect with unbundled network elements

(c) The incumbent local exchange carrier and the requesting carrier shall deliver their traffic to the point of interconnection. A requesting carrier may designate more than one point of interconnection in an area. It is the responsibility of each carrier to provide efficient and sufficient facilities to transport and terminate the other carrier's traffic from the point of interconnection.

(d) Interconnection may be achieved, at the requesting carrier's option, through physical or virtual collocation. In addition, at the requesting carrier's option, interconnection may be achieved through a mid-span meet at a point that is specified by the requesting carrier

(e) The price charged by an incumbent local exchange carrier for the origination or termination of any call, regardless of its nature or where it originated or terminated, shall be at TSLRIC.

XX.202 UNBUNDLED NETWORK ELEMENTS

General Provisions

(a) Availability of Unbundled Network Elements

(1) Incumbent local exchange carriers shall provide requesting carriers with access to unbundled network elements at any technically feasible point for use in the origination, provision or termination of any telecommunications service.

(2) A request for an unbundled network element shall be presumed to be technically feasible. An incumbent local exchange carrier wishing to assert technical infeasibility, or any other lawful reason supporting the unavailability of an element, must provide clear and convincing evidence of its position within 30 days, and in all events has the burden of proof to support its position.

(3) Incumbent local exchange carriers shall plan and design their networks such that new facilities or equipment are available on an unbundled basis.

(4) Incumbent local exchange carriers may not deny requesting carriers access to unbundled network elements based upon claims of a lack of capacity in their networks, except for the minimum period necessary to augment capacity to meet the capacity requirements of a requesting carrier, which shall not exceed 6 months from the date of the request. Incumbents shall design their networks to meet the demand of requesting carriers, and must, in all events, accommodate all requests for unbundled elements through a competitively neutral allocation of resources among all carriers, including themselves.

(5) An incumbent local exchange carrier must provide unbundled network elements in a manner that permits the combination of such elements with any other elements that are purchased from the incumbent local exchange carrier, or with self-provisioned elements, or with elements purchased from another carrier, to offer a telecommunications service.

(6) Incumbent local exchange carriers shall maintain the connectivity between any ordered network elements that are previously connected for a customer. Incumbents must engineer the interconnection and coordinate provisioning for any unbundled network elements that are ordered in combination and permit requesting carriers to combine such elements on a single consolidated order.

(7) State commissions may expand on the minimum requirements set by the FCC

Restrictions on Unbundling Prohibited

(b) Restrictions Prohibited

(1) Incumbent local exchange carriers shall not impose any limitations on a requesting carrier's ability to combine any or all unbundled elements together to provide any telecommunications service, including services provided entirely using network elements obtained from the ILEC.

(2) Incumbent local exchange carriers shall not impose any requirement on a requesting telecommunications carrier limiting the services that the latter may offer, or vary the definition of an element based upon such services, except with the consent (or at the request) of the requesting telecommunications carrier.

(3) Incumbent local exchange carriers shall not impose any limitation on the services telecommunications carriers may offer to themselves, to consumers, or to other carriers, through the purchase of unbundled network elements, or to restrict in any way a telecommunications carrier's resale of an unbundled element.

Core Unbundled Elements

(c) Core Unbundled Network Elements. At a minimum, the incumbent local exchange carrier shall make the following network elements available to requesting carriers on an unbundled basis:

(1) Basic Loop Facility. A transmission facility between a customer's premise and the incumbent's central office. Individual components that comprise the basic loop facility should also be available as unbundled network elements:

(i) Network Interface (NI) Device: a termination device that establishes the network demarcation point.

(ii) Loop Distribution: the portion of the outside plant cable from the network interface at the customer's premises to the terminal block appearance on the distribution side of a feeder distribution interface (FDI).

(iii) Loop Concentrator/multiplexer: the digital loop carrier (DLC) equipment, channel bank, or similar equipment at which individual subscriber traffic is multiplexed/demultiplexed and/or concentrated/unconcentrated.

(iv) Loop Feeder: the medium on which subscriber traffic (multiplexed/concentrated or non-multiplexed/non-concentrated) is carried from the Main Distribution Frame (MDF) or Digital Cross-connect (DSX) panel in a central office or similar environment (e.g., closets in cases of remote sites) to the loop concentrator/multiplexer, or the feeder distribution interface in the case of direct twisted pair loops.

(2) Unbundled Local Switching. The network equipment, typically a combination of hardware and software, that provides the functionality required to connect the appropriate originating lines or trunks terminating on an MDF or DSX panel to a desired terminating line or trunk so as to provide the telecommunications services purchased by subscribers, including all of the features, functions and capabilities of such equipment. Such functionalities, include but are not limited to basic switching (including digit reception, dialed number translations, routing and recording, call supervision, dial tone, switching, telephone numbers, announcements, calling feature and capabilities (including call processing), access to transport, signaling and databases) and, where installed by the incumbent, remote switching modules, and CLASS features. Local switching may either be voice switching or data switching.

(i) Incumbent local exchange carriers shall make available local switching capacity, unbundled from the ILEC's loop, interoffice network and other services, for use by requesting carriers to provide local exchange, exchange access and other services.

(ii) Incumbent local exchange carriers shall make available unbundled local switching capacity at each end office. Such unbundled local switching capacity shall be ordered as a commitment to block of line ports, including associated processor and switching capacity sufficient to accommodate projected peak demands. Unbundled switching capacity may, at the discretion of the requesting carrier, include a commitment for a minimum block of trunk ports if such ports will be dedicated to the traffic of a particular carrier.

(iii) Incumbent local exchange carriers shall provide a Purchaser of unbundled local switching capacity the ability to configure its subscribers' line ports with any optional feature or functionality supported by the switch.

(iv) Line ports may be shifted between different carriers' unbundled local switching capacity commitments (and between these carrier's and the incumbent local carrier) within the same central office without any loss in functionality or a change in the subscriber's phone number (except at the request of the requesting carrier).

(v) Incumbent local exchange carriers shall provide purchasers of unbundled local switching the ability to designate trunk assignments for directory assistance and operator traffic; provide the same access routing options (for example, originating, terminating, and international) as are supported by the ILEC; comply with presubscription requirements; and permit the routing of all remaining intraLATA traffic (both toll and local) to the interoffice network provider of the requesting carrier's choice.

(vi) Incumbent local exchange carriers shall support unbundled local switching with operational interfaces that permit the requesting carrier to combine unbundled switching capacity with unbundled loops and transport and termination on a single consolidated order, including loops and/or transport and termination provisioned by the incumbent local exchange carrier.